

REMARKS

In the February 28, 2008 Office Action, the Examiner required restriction under 35 U.S.C. §§ 121 and 372 to one of the following groups of inventions:

- I. Claims 1 and 4-7, drawn to a method of treating or preventing stress response comprising administering a CCR5 antagonist;
- II. Claims 11 and 14-17, drawn to a method of treating or preventing hyperthermia comprising administering a CCR5 antagonist;
- III. Claims 42 and 43, drawn to a method of inhibiting endogenous production of at least one pro-inflammatory cytokine comprising administering a CCR5 modulator; and
- IV. Claims 44-46, drawn to a method for monitoring the effectiveness of treatment of a subject suffering from an acute inflammatory response, said method comprising administering a CCR5 modulator.

In addition, the Examiner also required election of a single species of:

- 1) a CCR5 antagonist; and
- 2) a subject.

In response, applicants elect Group I, i.e. claims 1 and 4-7, drawn to a method of treating or preventing stress response comprising administering a CCR5 antagonist, without traverse, for examination.

In addition, applicants elect the following species for examination: (i) the CCR5 antagonist described as Compound A (see page 28 of the subject specification); and (ii) the subject is other than a graft transplant patient as recited in claim 4.

Applicants expressly reserve the right to pursue the subject matter of the non-elected claims in one or more divisional and/or continuing applications(s).

U.S.S.N.: 10/501,999
Case No.: 21067YP
Page No: 3
Date: March 28, 2008

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the large entity amount of such fee to Deposit Account No. 13-2755 referencing attorney docket number 21067YP.

Respectfully submitted,

By Maria V. Marucci
Maria V. Marucci
Reg. No. 59,895
Attorney

MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-1637